

FILED

SEP 28 2007

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA

**BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA**

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)
)
ANDREW R. PROPER,)
Bar No. 011295)
)
RESPONDENT.)

No. 06-1302

**DISCIPLINARY COMMISSION
REPORT**

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on September 15, 2007, pursuant to Rule 58, Ariz.R.Sup.Ct., for consideration of the Hearing Officer's Report filed July 3, 2007, recommending acceptance of the Tender of Admissions and the Agreement for Discipline by Consent (Tender) and the Joint Memorandum (Joint Memorandum) in Support of Agreement for Discipline by Consent providing for a 90-day suspension, two years of probation with the State Bar's Member Assistance Program (MAP), and costs.

Decision

The eight members¹ of the Disciplinary Commission unanimously recommend accepting and adopting the Hearing Officer's findings of fact, conclusions of law, and recommendation for a 90-day suspension, two years of probation (MAP) upon reinstatement, and costs of these disciplinary proceedings.² The terms of probation are as follows:

¹ Commissioner Flores recused.

² A copy of the Hearing Officer's Report is attached as Exhibit A.

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4. In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)(5), Ariz.R.Sup.Ct. The Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to determine whether the terms of probation have been violated and if an additional sanction should be imposed. In the event there is an allegation that any of these terms have been violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and convincing evidence.

RESPECTFULLY SUBMITTED this 28th day of September 2007.

Paula Brown

**J. Conrad Baran, Chair
Disciplinary Commission**

Original filed with the Disciplinary Clerk
this 28th day of September, 2007.

Copy of the foregoing mailed
this 28th day of September, 2007, to:

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/mps